


  
**FEDERAL REGISTER**  
 OF THE UNITED STATES 1934  
 VOLUME 15 NUMBER 64

Washington, Tuesday, April 4, 1950

**TITLE 6—AGRICULTURAL CREDIT**

**Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture**

**Subchapter B—Export and Diversion Programs**  
[Amdt. 2]

**PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED**

**DRIED FRUIT EXPORT PROGRAM, FISCAL YEAR 1950**

Section 518.103 is hereby amended to read as follows:

**§ 518.103 Approved countries.** An approved country shall be any one of the countries listed in this section, including any dependent area under the administration of any such country except any American dependency under the administration of Denmark, France, Netherlands, and the United Kingdom. Such American dependencies include Greenland; French Guiana, Guadeloupe, Iinini, Martinique, Miquelon, and St. Pierre; Dutch Curacao, Aruba, Bonaire, and Surinam; British Bahamas Islands, British Guiana, Falkland Islands, Leeward Islands including Antigua, British Virgin Islands, and St. Christopher; Tobago, Trinidad, and Windward Islands, including Dominica, Grenada, St. Lucia, and St. Vincent. The approved countries are the following: Austria, Belgium, Denmark, Eire, France, Germany (Bi-Zone), Germany (French Zone), Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland, Trieste, United Kingdom.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup., 612c)

**Effective date.** This amendment shall be effective at 12:01 a. m. e. s. t., April 3, 1950.

Dated this 29th day of March 1950.

[SEAL] M. W. BAKER,  
Acting Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 50-2772; Filed, Apr. 3, 1950;  
9:23 a. m.]

**PART 571—WHEAT**

**SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM; INTERNATIONAL WHEAT AGREEMENT**

**TERMS AND CONDITIONS OF COMMODITY CREDIT CORPORATION 1949-50 WHEAT AND WHEAT-FLOUR EXPORT PROGRAM**

The terms and conditions of Commodity Credit Corporation 1949-50 Wheat and Wheat-Flour Export Program (14 F. R. 6869) are amended as follows:

1. Section 571.21 is amended so that the first paragraph reads as follows:

**§ 571.21 Eligibility for payments by the Commodity Credit Corporation.** Payments under this program will be made to an exporter in connection with that quantity of wheat or wheat flour exported to an eligible country from the United States and that quantity of wheat or wheat flour in customs bond in Canada exported to an eligible country pursuant to a sale for which he has received a confirmation by the Manager, CCC (hereinafter referred to as Manager), in accordance with § 571.22, subject to the following additional conditions:

2. Section 571.21 (b) (4) is amended so that it reads as follows:

(4) In the absence of documentary evidence that the sale was consummated prior to shipment in accordance with subparagraph (1), (2), or (3) of this paragraph, if export is wholly by truck or rail the sale will be deemed to have been made on the date and at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs, and if export is by ocean carrier the sale will be deemed to have been made on the date and at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or wheat flour is loaded on board ocean carrier.

3. Section 571.21 (1) is amended so that it reads as follows:

(1) If any quantity of wheat or wheat flour exported under this program is un-

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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loaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or is lost or destroyed, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route to the eligible country shown as the final destination on the Declaration of Sale (and Notice of Export), payment may be withheld, or if payment has already been made the exporter may be required to make such refund or other adjustment as deemed appropriate by the Manager: *Provided*, That if the wheat or wheat flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the eligible country. The exporter shall notify the Manager immediately upon becoming cognizant of any unloading or diversion of wheat or wheat flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or wheat flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

4. Section 571.23 *Eligible countries* is amended by adding the following eligible countries:

Guatemala.  
Haiti.  
Philippines.

5. Subparagraph (2) of § 571.24 (a) is amended so that it reads as follows:

(2) In giving Notice of Sale the exporter must report the following information:

- (a) Date and time of sale.
- (b) Contract quantity.
- (1) Wheat in bushels.
- (2) Wheat flour in net pounds.

(c) Sale price, in case of wheat. In case of flour, certification that buyer and seller agree that the transaction comes within the terms to the Wheat Agreement. This may be reported by the code word "Akord."

(d) Importing country.

(e) Name of purchaser. (In cases in which the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(f) Delivery period specified in contract.

6. Section 571.25 (b) is amended so that it reads as follows:

(b) *Documents required to evidence exportation by exporter.* Each voucher must be supported by two copies of the applicable on board ocean carrier bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a Loading Tally Sheet or simi-

lar document may be submitted in lieu of such bill of lading); or if exported wholly by rail or truck, two authenticated copies of the "Shipper's Export Declaration" which identifies the shipment(s) and shows date of clearance into the foreign country: *Provided*, That where the shipment is exported from a Canadian port, the voucher must also be supported by two signed or certified true copies of the bill of lading or other document covering the movement of the wheat or wheat flour from the United States to Canada and two signed or certified true copies of documents evidencing the holding of the wheat or wheat flour in customs bond in Canada. If the destination of the shipment shown on the ocean bill of lading is not the eligible country named in the Declaration of Sale and supporting evidence of sale, the exporter shall also furnish an authenticated copy of "Shipper's Export Declaration."

7. Section 571.34 *Definitions* is amended to include the following additional definitions:

(g) *Wheat or wheat flour* shall be deemed to have been "exported" when, pursuant to a sale confirmed under this program, wheat or wheat flour is loaded on board an ocean carrier, or, if shipment to the eligible country is wholly by truck or rail, when the shipment clears United States Customs.

(h) *"Ocean carrier"* means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.

(i) "United States" includes the territories and possessions of the United States.

(Pub. Law 421, 81st Cong.)

Dated this 30th day of March 1950.

[SEAL] ELMER F. KRUSE,  
Vice President,  
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,  
President,  
Commodity Credit Corporation.

[F. R. Doc. 50-2787; Filed, Apr. 3, 1950;  
9:04 a. m.]

## 1386 TITLE 7—AGRICULTURE

### Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

#### APPENDIX—APPORTIONMENT OF ASSISTANCE FUNDS

##### SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1950

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1950, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	\$2,339,163	\$2,300,659	\$38,504
Arizona	360,452	342,398	18,054
Arkansas	1,834,206	1,802,456	31,750
California	2,674,312	2,674,312	
Colorado	435,853	307,738	38,115
Connecticut	625,279	625,279	
Delaware	80,254	74,918	5,336
District of Columbia	186,042	186,042	
Florida	1,115,911	1,085,531	30,380
Georgia	2,577,968	2,577,968	
Idaho	252,383	244,832	7,551
Illinois	2,402,514	2,402,514	
Indiana	1,548,173	1,548,173	
Iowa	1,169,824	1,050,714	116,110
Kansas	744,727	744,727	
Kentucky	2,157,159	2,157,159	
Louisiana	1,792,829	1,792,829	
Maine	394,895	353,903	40,962
Maryland	676,667	599,580	77,087
Massachusetts	1,410,695	1,351,618	59,077
Michigan	2,242,460	1,963,691	278,769
Minnesota	1,272,859	1,100,204	172,655
Mississippi	2,688,050	2,088,630	
Missouri	1,649,345	1,649,345	
Montana	185,703	171,330	14,373
Nebraska	486,068	431,553	54,515
Nevada	35,346	34,739	607
New Hampshire	229,147	229,147	
New Jersey	1,297,225	1,065,260	231,965
New Mexico	373,279	373,279	
New York	3,487,876	3,487,876	
North Carolina	2,835,777	2,835,777	
North Dakota	223,513	205,474	18,039
Ohio	2,646,143	2,239,963	846,180
Oklahoma	1,601,131	1,501,131	
Oregon	580,186	580,186	
Pennsylvania	2,807,532	2,394,107	413,445
Rhode Island	220,903	220,903	
South Carolina	1,769,427	1,757,206	12,221
South Dakota	208,390	190,051	18,339
Tennessee	2,125,554	2,076,799	48,755
Texas	3,710,591	3,710,591	
Utah	347,137	342,801	4,336
Vermont	171,730	171,730	
Virginia	1,656,022	1,611,167	44,885
Washington	840,188	793,180	47,008
West Virginia	1,247,076	1,221,737	26,239
Wisconsin	1,295,470	1,028,119	265,351
Wyoming	102,626	102,626	
Alaska	11,684	11,684	
Hawaii	59,972	72,746	17,226
Puerto Rico	2,358,953	2,358,953	
Virgin Islands	44,391	44,391	
Total	64,635,000	61,946,166	2,678,834

(Sec. 2, 60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: March 30, 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-2786; Filed, Apr. 3, 1950;  
9:12 a. m.]

1387

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

#### PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

#### REPORTS AND RECORDS; RESERVE AND SURPLUS TONNAGE

*Findings and determinations.* Pursuant to the provisions of Marketing Agreement No. 109 and Order No. 89 (14 F. R. 5136) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Raisin Administrative Committee (the administrative agency for operations under such order) adopted the amendment to the rules and regulations (15 F. R. 108) hereinafter set forth and submitted the amendment to the Secretary for his approval, as required by § 989.5 (b) of said agreement and order. Upon consideration of all matters pre-

## RULES AND REGULATIONS

sented by the committee, it is hereby found and determined that the proposed amendment effectuates the terms and provisions of the order and, the information required to be furnished thereunder is necessary to enable the committee to exercise its powers and perform its duties under the agreement and order, and, accordingly, the amendment to the rules and regulations hereinafter set forth is hereby approved.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of amendment to the rules and regulations hereinafter set forth until 30 days after publication in the *FEDERAL REGISTER* (see section 4 of the Administrative Procedure Act, 5 U. S. C. 1001 et seq.), in that: (1) The production and marketing of the current crop of raisins already has begun and this amendment to the rules and regulations is necessary for immediate use in regulating the handling of such raisins; (2) compliance with this amendment to the rules and regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof; (3) this amendment to the rules and regulations must be made effective on the date hereinafter set forth in order to effectuate the provisions of the marketing agreement and order and the declared policy of the act.

The amendment to the rules and regulations is as follows:

In § 989.105 (a) add a new subparagraph (4) to read as follows:

(4) Each handler shall file with the committee a certified report for each week on Form RAC-3, "Weekly Report of Raisins Received for Memorandum Receipt or Warehousing", showing the quantities of raisins, separately stated as to each varietal type, which, during the reporting week, came into the handler's possession or control other than by acquisition and which left such possession or control; these shall include all raisins received for storage, bailment, warehousing, or otherwise. The first report submitted in compliance with this subparagraph shall be cumulative so as to show the quantity of raisins of the crop year which have so come into the handler's possession or control and which are so held at the end of the reporting week.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C. this 30th day of March, 1950 to be effective on and after publication in the *FEDERAL REGISTER*.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.  
[F. R. Doc. 50-2784: Filed, Apr. 3, 1950;  
9:04 a. m.]

*1388*  
PART 993—HANDLING OF DRIED PRUNES  
PRODUCED IN CALIFORNIA

SCHEDULE OF PAYMENTS TO HANDLERS TO  
COMPENSATE FOR SERVICES IN CONNEC-  
TION WITH SURPLUS TONNAGE PRUNES

Notice was published in the February  
24, 1950, issue of the *FEDERAL REGISTER*

(15 F. R. 1017) regarding the schedule of payments to handlers to compensate them for necessary services rendered by them in connection with surplus tonnage prunes, to be established pursuant to the provisions of § 993.5 (c) (6) of Marketing Agreement No. 110 and Order No. 93 (14 F. R. 5254) regulating the handling of dried prunes produced in California. This regulatory program is effective pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were made by the Prune Administrative Committee, and set forth in the aforesaid notice, it is hereby ordered that the schedule of payments to handlers for services performed in connection with surplus tonnage dried prunes is established as hereinafter set forth.

It is hereby found and determined that good cause exists for not postponing the effective time of this section with respect to the aforesaid schedule of payments until 30 days after publication of it in the *FEDERAL REGISTER* (60 Stat. 237, 5 U. S. C. 1001 et seq.) in that: This schedule of payment is applicable, pursuant to the said marketing agreement and order to all surplus tonnage dried prunes received and stored by a handler for the account of the Prune Administrative Committee; substantial quantities of surplus tonnage dried prunes have for some time been received and stored by handlers for the account of the committee; and it is essential that the determination regarding the schedule of payments to handlers be made as soon as practicable so that handlers may be reimbursed promptly for the services rendered to the committee. No preparation on the part of the handlers is required in connection herewith.

§ 993.201 *Schedule of payments to handlers for necessary services rendered by them in connection with surplus tonnage prunes.* (a) Surplus tonnage prunes which producers and dehydrators tender to a handler shall be held by him in proper storage until the committee shall have relieved him of the obligation of such holding.

(b) For standard prunes of the surplus tonnage, the handler so holding such prunes, who performs the necessary services thereon for the committee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of \$15.00 per ton for the following service costs:

(1) Acquisition costs, including, but not limited to, those for salaries, commissions or brokerage fees, transportation and handling between plants and receiving stations, and other costs, including container expense incidental to acquisition or storage;

(2) Direct labor costs, including, but not limited to, those for receiving, grading, preliminary sorting and storing, including that performed by the handler at receiving station, and loading for shipment; and

(3) Plant overhead costs, including, but not limited to, superintendence and indirect labor, payroll taxes and compensation insurance, fuel, power and

water, taxes and insurance on facilities, depreciation and rent, repairs and maintenance, and factory supplies and expense.

(c) A handler may, at any time, demand removal by the Committee of surplus tonnage held by him. With respect to surplus tonnage prunes of any crop year, if the handler demands removal of standard prunes of such surplus tonnage prior to December 1 of the crop year, such handler automatically waives payment for any and all charges as set forth in this section. If such demand is made during December or January of the crop year, the handler making such demand shall receive payment for 50 percent of the total charges as set forth in this section. If a handler demands removal by the committee of such surplus during February of the crop year, he shall receive payment for 60 percent of such total charges; if during March of the crop year, 70 percent; if during April of the crop year, 80 percent; if during May of the crop year, 90 percent; and if during any month thereafter, 100 percent of such total charges.

(d) For substandard prunes of the surplus tonnage which a handler holds for the account of the committee, such handler shall receive payment for services performed, including, but not limited to, transportation from receiving points, in and out charges, and the placing of prunes in containers furnished by the committee, at the rate of \$8.50 per ton for each ton so held, except that on any tonnage of such substandard prunes of which the handler demands removal by the committee prior to December 1 of the crop year, any and all payments due thereon shall automatically be waived by such handler.

(e) Each handler holding surplus tonnage for the account of the committee shall maintain proper insurance thereon, including fire and extended coverage, in valuations according to grade and size differentials as the committee shall establish and such handler shall be reimbursed for the actual cost of such insurance. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Approved at Washington, D. C., this 30th day of March 1950, to become effective upon publication in the *FEDERAL REGISTER*, and to remain in effect until specifically modified, amended, or terminated.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-2783; Filed, Apr. 3, 1950;  
9:04 a. m.]

*1389-1390*  
TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Admin-  
istration, Department of Commerce

[Amdt. 6]

PART 550—FEDERAL AID TO PUBLIC AGEN-  
CIES FOR DEVELOPMENT OF PUBLIC AIR-  
PORTS

GRANT PAYMENTS; FORMS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regula-

tions of the Administrator of Civil Aeronautics as follows:

1. Section 550.9 (b) is hereby amended to read as follows:

**§ 550.9 Grant payments \* \* \***

(b) *Partial grant payments*—(1) *General.* Partial grant payments for allowable project costs will be made to a sponsor from time to time, upon application therefor as provided in paragraph (e) of this section. In the absence of an agreement otherwise, a sponsor may apply for such partial payments on a monthly basis. Such payments may be applied for and made either on the basis of the cost of airport development accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(2) *Amount of partial grant payments.* Except as otherwise provided, partial grant payments will be made in amounts sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the sponsor's latest application for such payment: *Provided,* That if a sponsor makes application, therefor, a partial grant payment will be made as an advance payment in an amount sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days from the date of the sponsor's application for such advance payment. No such partial payment, whether for work accomplished or as an advance payment for work to be accomplished, will be made in an amount which would bring the aggregate amount of all partial payments for the project to more than 90% of the estimated United States share of the total estimated costs of all airport development included in the project, or 90% of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, the Regional Administrator will deduct both from the amount of project costs incurred and from the amount of the estimated total project costs, those project costs which he may deem of questionable allowability.

2. Section 550.11 (f) is hereby amended to read as follows:

**§ 550.11 Forms. \* \* \***

(1) *Application for grant payment, Form ACA-1625.1 (1-50).* This form contains a formal statement of application for grant payment in a specified amount, the Sponsor indicating whether the particular payment is to be a partial-regular, partial-advance, semi-final, or final grant payment. This form also contains appropriate spaces for inserting an estimate of the aggregate of total project costs incurred and to be incurred prior to a specified date, the estimated United States' share of such total costs, the total amount of grant payments previously received, and the amount of the current application for grant payment broken down into the following four classifications of costs:

(1) Land (including the cost of acquiring land and administrative costs incident thereto); (2) construction (value of work performed to date); (3) engineering; and (4) administrative. There is also a form of certification to be executed by a representative of the Sponsor, reading as follows:

I certify that the above application for the grant payment is correct and just, and for a payment which has not been received, I further certify that the cost estimates as set forth on this application are true and correct, and relate only to items of airport development contemplated by the grant agreement for this project; and that all such costs which have been incurred for work already accomplished have been incurred in connection with airport development accomplished in accordance with the grant agreement and applicable plans and specifications. To the extent that this application represents costs to be incurred for airport development not yet accomplished, I further certify that the aggregate of expenditures to be made from this advance grant payment will not at any time exceed the costs of the airport development work which has been performed up to the time of such expenditure.

Also included is a certification of the District Airport Engineer reading as follows:

To the extent that this application represents costs to be incurred for airport development not yet accomplished, I hereby certify that the Sponsor's estimates have been reviewed by me and in my opinion are reasonable and proper. To the extent that this application represents costs which have been incurred for airport development already accomplished, I hereby certify that the physical construction work has been inspected under my direction at reasonably frequent intervals by qualified employees of the Civil Aeronautics Administration; that through such inspections, and by other means and checks recognized as good engineering practice, I am satisfied that the work accomplished is in accordance with the plans and specifications and provisions of the grant agreement; and that the value of construction work performed as claimed above is supported in detail by periodic cost estimates approved by the sponsor. Other claimed project costs appear to be reasonable. Subject to actual verification of all stated costs by CAA audit prior to the payment of final grant, I recommend payment of this application for grant funds.

Appended to this form are instructions for its preparation.

3. Section 550.11 (g) is hereby amended to read as follows:

**§ 550.11 Forms. \* \* \***

(g) *Summary of projects costs, Form ACA-1630 (1-50).* This form contains spaces in which the sponsor is to insert the latest revised estimate of total project costs, the total costs incurred to date, and an estimate of the aggregate of such total costs incurred to date and those to be incurred prior to a specified date; all of these figures to be broken down into five main cost classifications: (1) Land costs (including the cost of acquiring land and administrative costs incident thereto), (2) construction, (3) engineering, (4) administrative, and (5) contingencies. Instructions for the preparation of this form are appended thereto.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. 1101-1114)

[SEAL] DONALD W. NYROP,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 50-2755; Filed, Apr. 8, 1950;  
9:03 a. m.]

**1391 TITLE 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**  
(Docket 5639)

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

SETCHELL CARLSON, INC.

Subpart—*Advertising falsely or misleadingly; § 3.130 Manufacture or preparation; § 3.170 Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution in commerce, of any radio receiving set, directly or indirectly representing that any such radio receiving set is equipped with or contains a designated number of tubes or is of a designated tube capacity unless each and every one of the tubes referred to is capable of performing the recognized or customary function of detecting, amplifying, and receiving broadcast radio signals; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Setchell Carlson, Inc., Docket 5639, February 2, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation of facts entered into by and between respondent and Daniel J. Murphy, Chief of the Trial Division, and said stipulation providing, among other things, that the statement of facts set forth therein may be made a part of the record herein and taken as the facts in this proceeding and in lieu of evidence in support of, and in opposition to, the charges stated in the complaint and that the Commission may proceed upon said statement of facts, to make its report, stating its findings as to the facts, including inferences which may be drawn from said stipulated facts, and its conclusion and enter its order disposing of this proceeding without the presentation of oral argument or the filing of briefs; and respondent having expressly waived a recommended decision by a trial examiner and the Commission having approved and accepted said stipulation of facts and having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondent, Setchell Carlson, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any radio receiving set, do forthwith cease and desist from directly or indirectly representing that any such radio

## RULES AND REGULATIONS

receiving set is equipped with or contains a designated number of tubes or is of a designated tube capacity unless each and every one of the tubes referred to is capable of performing the recognized or customary function of detecting, amplifying, and receiving broadcast radio signals.

*It is further ordered.* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 2, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 50-2779; Filed, Apr. 3, 1950;  
9:03 a. m.]

1392  
**TITLE 19—CUSTOMS DUTIES****Chapter I—Bureau of Customs,  
Department of the Treasury**

[T. D. 52442]

**PART 4—VESSELS IN FOREIGN AND  
DOMESTIC TRADES****FILING OF APPLICATIONS FOR OVERTIME  
SERVICES**

In order to provide more clearly for the filing of applications for overtime services in connection with the entry or clearance of a vessel in cases where no permit to unlade or lade is filed, the first sentence of § 410, Customs Regulations of 1943 (19 CFR 4.10), is amended by inserting "for a permit" after "application" and by deleting ", but if made thereafter" and substituting therefor "; otherwise".

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies secs. 448, 451, 46 Stat. 714, 715, as amended; 19 U. S. C. 1448, 1451)

[SEAL] FRANK DOW,  
Commissioner of Customs.

Approved: March 27, 1950.

JOHN S. GRAHAM,  
Acting Secretary of the Treasury.

[F. R. Doc. 50-2735; Filed, Mar. 81, 1950;  
8:56 a. m.]

393  
**TITLE 24—HOUSING AND  
HOUSING CREDIT****Chapter VIII—Office of Housing  
Expediter**

[Controlled Housing Rent Reg., Amdt. 232]

[Controlled Rooms in Rooming Houses and  
Other Establishments Rent Reg., Amdt.  
230]

**PART 825—RENT REGULATIONS UNDER THE  
HOUSING AND RENT ACT OF 1947, AS  
AMENDED**

**CALIFORNIA, NEW HAMPSHIRE, OHIO AND  
SOUTH CAROLINA**

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in

Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the defense-rental area as follows:

Orange County except (1) the Cities of Fullerton, Huntington Beach, Laguna Beach and Newport Beach, (2) that portion of Orange County lying south of the south line of Township Six South, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the city of Huntington Beach; thence westerly and southerly along said boundary line of the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Alhambra, Bell, Beverly Hills, Covina, El Monte, El Segundo, Glendale, Huntington Park, La Verne, Long Beach, Manhattan Beach, Maywood, Monrovia, Pasadena, Pomona, Redondo Beach, Santa Monica, Signal Hill, South Gate and South Pasadena.

This decontrols the Cities of El Segundo, Manhattan Beach, and Redondo Beach in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 186, is amended to describe the counties in the defense-rental area as follows:

In Hillsboro County, the Cities of Manchester and Nashua.

This decontrols the Town of Hudson in Hillsboro County, New Hampshire, a portion of the Manchester, New Hampshire, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the City of Bedford, and the Villages of Bay, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, and West View; and in Lake County, those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby, and Willoughby Township except the Village of Wickliffe.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the Village of Moreland Hills in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-

Rental Area based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 227, is amended to describe the counties in the defense-rental area as follows:

Charleston, except the City of Charleston. Beaufort.

This decontrols the City of Charleston, in Charleston County, South Carolina, a portion of the Charleston, South Carolina, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

Items 3 and 4 of this amendment shall be effective March 28, 1950, and Items 1 and 2 of this amendment shall become effective March 29, 1950.

Issued this 28th day of March 1950.

TIGHE E. WOODS,  
Housing Expediter.

[F. R. Doc. 50-2891; Filed, Apr. 8, 1950;  
8:47 a. m.]

1394  
[Controlled Housing Rent Reg., Amdt. 233]  
[Controlled Rooms in Rooming Houses and  
Other Establishments Rent Reg., Amdt.  
231]

**PART 825—RENT REGULATIONS UNDER THE  
HOUSING AND RENT ACT OF 1947 AS  
AMENDED****CALIFORNIA, MISSISSIPPI, AND OHIO**

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 36, is amended to describe the counties in the defense-rental area as follows:

San Bernardino County, except (1) the Judicial Townships of Amboy, Kelso, Ludlow and Vanderbilt, (ii) that portion of the Judicial Township of Yermo lying north of the Third Standard Line north of San Bernardino Base Line and (iii) the City of Ontario.

This decontrols the City of Ontario in San Bernardino County, California, a portion of the San Bernardino, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 30, is amended to describe the counties in the defense-rental areas as follows:

Orange County except (1) the Cities of Fullerton, Huntington Beach, Laguna Beach and Newport Beach, (2) that portion of Orange County lying south of the south line of Township Six South, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said

Orange County; running thence from said point of beginning easterly along section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach; thence westerly and southerly along said boundary line of the City of Huntington Beach to the ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the Incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Alhambra, Bell, Beverly Hills, Covina, El Monte, El Segundo, Glendale, Hermosa Beach, Huntington Park, La Verne, Long Beach, Manhattan Beach, Maywood, Monrovia, Pasadena, Pomona, Redondo Beach, Santa Monica, Signal Hill, South Gate and South Pasadena.

This decontrols the City of Hermosa Beach in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 167, is amended to read as follows:

(167) [Revoked and decontrolled.]

This decontrols the entire Jackson, Mississippi, Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

4. A new item is added to Schedule B to read as follows:

69. Provisions relating to the Akron, Ohio, Defense-Rental Area.

Decontrol of housing accommodations in trailers and trailer spaces on Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.1 to 825.12 and 825.81 to 825.92 is terminated, effective March 31, 1950, with respect to all housing accommodations which on that date were housing accommodations in trailers or trailer spaces, located in the Akron, Ohio, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective March 31, 1950.

Issued this 30th day of March 1950.

TIGHE E. WOODS,  
Housing Expediter.

[F. R. Doc. 50-2781; Filed, Apr. 3, 1950;  
9:03 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Federal Security Agency

#### PART 21—COMMISSIONED OFFICERS

#### SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective February 1, 1950, Appendix A (14 F. R. 7588) is revised to read as follows:

<sup>1</sup>In the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, the new item is item 71.

FOREIGN SERVICE ALLOWANCE RATES					Area	Class No.
Class No.	Sub-sistence	Quarters	Total	Travel		
Class I <sup>1</sup>	None	None	None	\$7.00	Hungary	III.
Class II	\$2.55 <sup>a</sup>	\$2.50	\$5.05	8.00	Iceland	XVI.
Class III	2.55	3.75	6.30	9.00	India	XII.
Class IV	3.00	.75	3.75	7.00	Iran	XVII.
Class V	3.00	1.00	4.00	7.00	Iraq	XIII.
Class VI	3.75	.75	4.50	7.25	Irish Free State	XXII.
Class VII	3.75	1.00	4.75	8.00	Israel, State of	Special A.
Class VIII	3.75	1.50	5.25	8.00	Italy (except Rome and Naples)	V.
Class IX	3.75	2.00	5.75	9.00	Naples	XIII.
Class X	3.75	3.00	6.75	10.00	Rome	XIII.
Class XI	3.75	4.00	7.75	11.00	Korea	IV.
Class XII	4.50	1.50	6.00	9.00	Lebanon, Republic of	XXII.
Class XIII	5.25	1.75	7.00	10.00	Liberia (except Monrovia)	V.
Class XIV	6.00	1.50	7.50	10.00	Monrovia	XIII.
Class XV	7.50	3.50	11.00	15.00	Luxemburg	II.
Class XVI	8.00	3.00	9.00	12.00	Malayan Union (including Sing-	XII.
Class XVII	None	1.75	1.75	7.00	apore).	
Class XVIII	3.00	None	3.00	7.00	Mexico	XXIII.
Class XIX	4.50	.50	5.00	10.00	Morocco	XVII.
Class XX	3.75	2.00	5.75	10.00	Netherlands	V.
Class XXI	None	None	None	8.00	Netherlands East Indies	XI.
Class XXII	2.55	1.50	4.05	9.00	New Zealand	XVII.
Class XXIII	None	1.75	1.75	9.00	Nicaragua	IV.
Special Class A <sup>2</sup>	7.00	6.00	13.00	15.00	Nigeria	XII.
Special Class B	9.00	5.00	14.00	18.00	Norway	XXII.
Special Class C	4.50	2.50	7.00	7.00	Pakistan	XII.
Special Class D <sup>2</sup>	8.25	3.75	12.00	12.00	Palestine	Special A.
Special Class E	3.75	3.25	7.00	7.00	Panama, Aquadulce	II.
Special Class F	3.75	4.75	8.50	8.50	Peru	IV.

<sup>1</sup>This class is applicable to all countries and places outside the continental United States not otherwise listed herein.

<sup>2</sup>Maximum travel allowance is payable without regard to length of time officer is in a travel status.

<sup>3</sup>Personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable.

Area	Class No.
Afghanistan	XII.
Alaska	IX.
Algeria	V.
Argentina	II.
Australia	XVII.
Bahrein Island, Persian Gulf	Special E.
Belgium	XX.
Bermuda	V.
Brazil (except Rio de Janeiro, São Paulo, and Recife)	IV.
Recife	V.
Rio de Janeiro	Special P.
Sao Paulo	Special P.
Bulgaria	IX.
Burma (except Rangoon)	VI.
Rangoon	XIV.
Canada	XXIII.
Canton Island	Special C.
Ceylon	VIII.
Chile	IV.
China (except Formosa but including Hong Kong)	XVI.
Formosa	III.
Colombia	IV.
Costa Rica	XVII.
Cuba (except Havana)	IV.
Havana	XIV.
Cyprus, Island of	II.
Czechoslovakia	IX.
Denmark	V.
Dominican Republic	IX.
Ecuador	IV.
Egypt (except Cairo)	VIII.
Cairo	X.
El Salvador	XXI.
Ethiopia	V.
Finland	XXII.
France (except Paris and Orly Field)	XVIII.
Paris and Orly Field	XIX.
French Indo-China	VIII.
Great Britain and Northern Ireland (except London)	VII.
London	X.
Greece	Special D.
Guadalcanal Island	Special O.
Guatemala	IV.
Gold Coast	XII.
Haiti <sup>3</sup>	XXIII.
Honduras	XVII.

<sup>1</sup>Countries or areas affected by this revision.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Dated: February 28, 1950.

[SEAL] LEONARD A. SCHEELE,  
Surgeon General.

Approved: March 8, 1950.

OSCAR R. EWING,  
Federal Security Administrator.

[F. R. Doc. 50-2778; Filed, Apr. 8, 1950;  
9:03 a. m.]

## 139b-1397 TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 27—LETTER, CALL, AND LOCK BOXES, AND KEY DEPOSITS

#### PART 72—PAYMENT OF DOMESTIC MONEY ORDERS

#### PART 114—TREATMENT OF MAILED POSTAGE REFUNDS; INTERNATIONAL REPLY COUPONS; DISPOSITION OF FOREIGN DEAD MATTER

#### PART 135—GENERAL

#### PART 137—FIELD SERVICE

#### MISCELLANEOUS AMENDMENTS

a. In § 27.7 Rent of boxes (39 CFR 27.7) amend paragraph (b) to read as follows:

## RULES AND REGULATIONS

(b) *Rent collected quarterly.* Box rents shall be collected at the beginning of each quarter for the entire quarter, but no longer. Ten days before the last day of each quarter, postmasters shall place a notice in each rented box that the rent is due and payable on or before the last day of the quarter. If a box holder fails to renew his right to his box on or before the last day of a quarter the box shall then be closed and offered for rent, and the mail placed in the general delivery, unless deliverable by carrier. In the case of a known permanent resident who is temporarily absent and has filed a forwarding order for his mail, the box rent notice should be inclosed in an official penalty envelope and mailed to his forwarding address. Ample time for reply should be allowed before the closing and re-renting of such box. (See §§ 43.22 and 43.23.)

(R. S. 161, 396, 3901, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 279)

b. In § 72.3 *Payable at any money-order office* (39 CFR 72.3; 14 F. R. 3621) amend paragraph (c) to read as follows:

(c) *When paid at office other than on which drawn.* When, in accordance with the preceding paragraphs of this section, a money order is paid at an office other than the one on which drawn, the postmaster making the payment shall immediately stamp the order as provided in § 72.9 and send to the postmaster at the issuing office a notice on Form 6126, the reply coupon of which shall be completed by use of carbon paper. Upon receipt of such notice the issuing postmaster shall verify the particulars of the order and if they agree with his records, and an application for duplicate has not been certified, he shall stamp, sign and return the reply coupon to the paying postmaster, and file the original notice with the application. The paying postmaster shall hold the order as cash until the reply coupon is returned whereupon he shall endorse the order on the face "Coupon on Form 6126 on file," take credit for the paid order, and file the coupon with the coupon of the paid order.

(R. S. 161, 396, 4027, 38 Stat. 280, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 973; 5 U. S. C. 22, 369, 39 U. S. C. 711, 727)

c. Amend § 114.4 *Treatment of lottery or fraudulent matter* (39 CFR 114.4) to read as follows:

§ 114.4 *Treatment of lottery or fraudulent matter.* Whenever orders shall be issued to postmasters at exchange offices by the Postmaster General forbidding the forwarding of any mail matter to any person or concern located in a foreign country conducting a lottery or fraudulent enterprise, such matter shall be treated as prescribed in said order (see § 36.9 of this chapter), except that matter merely in transit across the territory of the United States shall not be detained under such orders.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

d. Amend § 135.15 *Bonds of rural carriers* (39 CFR 135.15; 14 F. R. 3471) to read as follows:

§ 135.15 *Bonds of carriers in the rural delivery service—(a) Acceptance and*

*filings.* Every regular, auxiliary, temporary and substitute rural carrier is required to furnish bond in the amount of \$500. Temporary (emergency) substitutes are not required to furnish a bond. Clerks in charge of rural stations are required to furnish bond in the amount of \$500, except that at offices of the first and second classes where the postmaster considers that because of an unusual amount of business, the bond should be in a larger amount, the postmaster shall fix the amount commensurate with the responsibility involved. Bond Forms 4076 for rural carriers and 4059 for clerks in charge of rural stations may be obtained from the rural disbursing postmaster, who shall see that the forms are properly executed and are returned to him for filing.

(b) *Sureties.* Bonds to be acceptable shall be signed by two personal sureties, each of whom is worth, after allowing all exemptions provided by law, the sum stated in the bond in property over and above his debts and personal liabilities, or by an indemnity company that is authorized to qualify as sole surety on an official bond.

(c) *When surety removes from locality.* The postmaster shall at once notify the rural disbursing postmaster upon the death, insolvency, removal from the locality or other disability of one or more of the personal sureties on the bond of a regular, substitute or temporary rural carrier, or the bond of a clerk in charge of a rural station, as, in such case, a new bond must be furnished.

(d) *Reexamination of bonds.* Bonds shall be examined at least once every two years to ascertain the sufficiency of the sureties thereon. In order to determine the sufficiency of the sureties on personal bonds, the disbursing postmaster should send Forms 4050 and 4053 to the postmaster involved for completion. When Form 4050 is returned, and the postmaster indicates that the sureties are solvent and sufficient, the form should

be filed with the bond. If it is indicated that one or more of the sureties are insufficient or that one or more of the sureties have died, a new bond must be executed.

(e) *Retired bonds.* All retired bonds should be kept on file by the disbursing postmaster and under no circumstances returned to the sureties. Such bonds must not be destroyed without specific authority from the Department.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

e. In § 135.47 Type 2: *Employees entitled to veteran preference* (39 CFR 135.47), amend paragraph (c) (2) to read as follows:

(2) A closing paragraph substantially as follows contains all essentials:

You have a right to answer these charges within \_\_\_\_\_ days from the receipt of this notice of proposed adverse action personally and in writing and to furnish affidavits in support of such answer. If additional time is needed, it will be granted upon written application to me showing the necessity. In case an adverse decision is made in your case, adverse action will not take effect until at least thirty (30) days after the receipt of this notice by you.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

f. In § 137.24 *Conduct of postal employees* (39 CFR 137.24) amend paragraph (g) (2) to read as follows:

(2) *Quiet and diligent attention to duties.* Carriers shall attend quietly and diligently to their duties and shall not loiter or stop to converse on their routes. They shall refrain from loud talking and profane language, and from smoking while on their routes.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,  
Postmaster General.  
[F. R. Doc. 50-2762; Filed, Apr. 3, 1950;  
9:03 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

Production and Marketing  
Administration

## [7 CFR, Part 939]

[Docket No. AO 99-A1]

## HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE PASTER AND BEURRE CLARGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

## NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and

marketing orders, as amended (7 CFR, Part 900), notice is hereby given of a public hearing to be held with respect to proposed amendments to the marketing agreement and Order No. 39 (7 CFR, Part 939), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. Such public hearing will open at 9:00 a. m., P. s. t., April 10, 1950, at the New Journal Building, 800 Southwest Front Street, Portland, Oregon, and will be continued at the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, beginning at 9:00 a. m., P. s. t., April 18, 1950, and at the Little Theatre Memorial Auditorium, 16th and J Streets, Sac-

ramento, California, beginning at 9:00 a. m., P. s. t., April 17, 1950.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, hereinafter set forth, and appropriate modifications thereof. These proposals have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Control Committee, established pursuant to the aforesaid marketing agreement and order:

1. Delete section 1 (b) of the marketing agreement and § 939.1 (b) of the order and substitute therefor the following:

(b) "Act" means the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

2. Add to section 1 of the marketing agreement and § 939.1 of the order the following new paragraph:

(1) "Export" or "export markets" means areas, including Alaska, outside the continental limits of the United States of America.

3. Amend the second sentence of section 2 (a) of the marketing agreement and § 939.2 (a) of the order to read as follows: "There shall be a first alternate and a second alternate for each member of the Control Committee."

4. Delete section 2 (1) of the marketing agreement and § 939.2 (1) of the order and substitute therefor the following:

(1) *Alternates for members of the Control Committee.* The first or second alternate for a member, in that order, shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his first or second alternate, in that order, shall act for him until a successor for such member is selected and has qualified.

5. Delete subparagraph (3) of section 2 (m) of the marketing agreement and § 939.2 (m) of the order and substitute therefor the following:

(3) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions relative to pears, and to engage in such research and service activities relative to the handling or marketing of pears as may be approved by the Secretary, and to furnish to the Secretary such available information as may be requested;

6. Delete subparagraph (4) of section 2 (m) of the marketing agreement and § 939.2 (m) of the order, and renumber the succeeding subparagraphs so as to follow in proper sequence.

7. Delete paragraphs (a), (b), (c), and (d) of section 4 of the marketing agreement and § 939.4 of the order, substitute therefor the following new paragraphs (a), (b), (c), and reletter as paragraph (d) what is now paragraph (e):

(a) *Recommendation for regulations.* (1) It shall be the duty of the Control

Committee each year to investigate supply and demand conditions relative to each commercial grade, size, and quality of pears and of each variety thereof. In such investigation the Control Committee shall give due consideration to the following factors:

(i) Estimated production of each variety of pears and of each commercial grade, size, and quality thereof.

(ii) Prospective supplies of Bartlett pears and of other fruits, both in fresh and processed form, which will be competitive to the marketing of that year's pear production, and sales prices of such competitive fruits.

(iii) Prospective exports and imports of pears during the fiscal year covering the pear crop involved.

(iv) Probable harvesting period for each pear variety.

(v) The trend and level of consumer income and general economic conditions, and

(vi) Other relevant factors.

(2) The Control Committee shall recommend to the Secretary, not later than August 1 of the year involved, regulations in accordance herewith, whenever the Control Committee finds, on the basis of the foregoing investigation, that it is advisable:

(i) To regulate the shipment of any particular grade under U. S. No. 2 or State Fancy or size 195 or smaller, of any or all varieties of pears produced in any district or districts; provided, however, that action may be taken by the Control Committee on grade U. S. No. 2 or Fancy or any higher grade or on any size larger than 195, by a total vote of not less than eight-tenths (80%) of all of the voting power of the Control Committee members, including both individual votes and volume votes relative to the particular variety of pears involved, as provided in paragraph (c) of this section; or

(ii) To regulate the shipment of particular grades or sizes of pears differently as to different varieties, or as to shipments for export or for shipments for export to different export markets; or

(iii) To regulate the shipment of pears by establishing minimum standards of quality in terms of grades or by regulating the shipment of pears in terms of sizes, or both, and by establishing such grading and inspection requirements as will effectuate orderly marketing of pears in the public interest. The provisions hereof relating to minimum standards of quality and grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for pears is in excess of the parity level specified in section 2 (1) of the act.

(b) *Issuance of regulations.* (1) In the event any such regulation is recommended by the Control Committee as hereinbefore in paragraph (a) of this section provided, the Secretary shall limit the shipment of pears as herein-after set forth if he finds from the recommendations and information submitted by the Control Committee, or

from other information, that it would tend to effectuate the declared policy of the act:

(i) To regulate the shipment of any particular grade under U. S. No. 2 or State Fancy or size 195 or smaller, or any other grade or size for which regulation is recommended by the Control Committee pursuant to this section, of any or all varieties of pears produced in any district or districts; or,

(ii) To regulate the shipment of particular grades or sizes of pears differently as to different varieties, or as to shipments for export or for shipments for export to different export markets; or

(iii) To regulate the shipment of pears by establishing minimum standards of quality in terms of grades or sizes, or both, and by establishing such grading and inspection requirements as will effectuate orderly marketing of pears in the public interest. The provisions hereof relating to minimum standards of quality and grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for pears is in excess of the parity level specified in section 2 (1) of the act.

(2) In the event any such regulation shall establish a combination of grades as a minimum standard of quality or as a grading requirement, it shall be permissible to ship each component grade of that combination in separate containers and in separate shipments.

(3) In the event the Control Committee at any time shall find that by reason of extraordinary conditions within any particular district or any area within a district, a regulation issued pursuant to this section should be modified, suspended, or terminated as to that district or area, or as to any variety, grade, or size of pears produced in that district or area, it may recommend to the Secretary such modification, suspension, or termination. In the event of such recommendation, the Secretary, upon the basis thereof or upon the basis of other information, may modify, suspend, or terminate any such regulation as to that district or area or as to that variety, grade, or size of pears, if the Secretary finds that such modification, suspension, or termination will tend to effectuate the declared policy of the act.

(4) The Secretary shall notify the Control Committee of any such regulation or any modification suspension, or termination thereof, and the Committee shall give reasonable notice thereof to handlers.

(c) *Committee voting power in determining recommendations.* For the purpose of determining each of the Control Committee's recommendations to the Secretary pursuant to this section, the voting power of the Control Committee members shall be as follows: each member shall be entitled to one vote; in addition, the members from each district together shall be entitled to one additional vote for each 25,000 boxes, or major portion of that quantity, of the average quantity of pears of the variety covered by the proposed recommendation

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which, according to the Control Committee's records as certified by the Secretary of the Control Committee, were produced in that district and shipped in interstate or foreign commerce during the preceding three fiscal periods. Such volume vote of each district shall be divided by the number of members of the Control Committee from that district, and each member shall be entitled to cast his proportionate share, thus determined, of his district's volume vote. A total vote of not fewer than seven-tenths of all the voting power of the Control Committee members, including both individual votes and the aforesaid volume votes relative to the particular variety of pears, involved, shall be required for adoption by the Control Committee, pursuant to this section, of any recommendation covering any grade below U. S. No. 2 or State Fancy, or covering size 195 or smaller, of that variety of pears; a total vote of not fewer than eight-tenths of all such voting power of the Control Committee members shall be required for adoption by the Control Committee, pursuant to this section, of any recommendation covering U. S. No. 2 or State Fancy grade or any higher grade, or covering any size larger than 195, of that variety of pears.

8. Delete section 4 (f) of the marketing agreement and § 939.4 (f) of the order and substitute therefor the following:

(e) *Inspection and certification.* No handler shall ship, other than for storage in transit within the area, any pears not theretofore inspected and the grade and size thereof certified by a duly authorized representative of the Federal-State Inspection Service or such other inspection service as the Control Committee, with the approval of the Secretary, may designate, on the basis of such grades as may be duly prescribed or modified by regulation issued pursuant hereto. Promptly after shipment of any pears, the handler shall submit or cause to be submitted to the Control Committee a copy of the Federal-State or other inspection certificate issued on that shipment.

The following amendments have been proposed by the Fruit and Vegetable Branch, Production and Marketing Administration:

9. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the order in accordance with the revised FEDERAL REGISTER regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

10. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from Mr. W. J. Broadhead, Field Representative, Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, 515 Southwest Tenth Avenue, Portland, Oregon.

Filed at Washington, D. C. this 29th day of March, 1950.

[SEAL] ROY W. LENNARTSON,  
Acting Assistant Administrator.  
[F. R. Doc. 50-2771; Filed, Apr. 3, 1950;  
8:49 a. m.]

## [7 CFR, Part 960]

[Docket No. AO-159A-1]

HANDLING OF IRISH POTATOES GROWN IN  
MICHIGAN, WISCONSIN, MINNESOTA,  
NORTH DAKOTA, IOWA, AND INDIANANOTICE OF HEARING WITH RESPECT TO  
PROPOSED AMENDMENTS TO TENTATIVELY  
APPROVED MARKETING AGREEMENT AND TO  
ORDER NO. 60

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Riviera Room, Hotel Dyckmann, Minneapolis, Minnesota, beginning at 9:30 a. m., c. s. t., April 24, 1950, and in the Women's Club, 603 South Washington Street, Lansing, Michigan, beginning at 9:30 a. m., e. s. t., May 1, 1950, with respect to amendments to the tentatively approved marketing agreement and to Order No. 60 regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota. The amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the proposed amendments, or modifications thereof, hereinafter set forth. Such amendments, recommended as a means of effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were requested by the North Central Potato Committee, established pursuant to Order No. 60, by a committee of Iowa potato growers, and by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, and provide that each provision of the tentatively approved marketing agreement and Order No. 60 should be deleted and, in lieu thereof, the following should be substituted therefor:

§ 960.1 Definitions. As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

(c) "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the States of Michigan, Wisconsin, Minnesota, North Dakota, and Iowa.

(e) "Potatoes" means all varieties of Irish potatoes grown within the production area.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(g) "Ship" or "handle" means to sell, consign, transport, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 following.

(j) "Committee" means the administrative committee, called the North Central Potato Committee, established pursuant to § 960.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of an official seed potato certifying agency of the State from which the potatoes are shipped or other agency recognized by the committee and approved by the Secretary.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and which falls within specific weight limits recommended by the administrative committee and approved by the Secretary.

(o) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) United States Standards for Potatoes issued by the Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon; or

(3) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

(p) "Export" means shipment of potatoes beyond the boundaries of Continental United States.

(q) "District" means each one of the geographical divisions of the production area established pursuant to § 960.2.

(r) "Washed potatoes" means potatoes which have been processed through commercial washing equipment acceptable to the North Central Potato Committee and certified by the Federal-State Inspection Service as being properly washed so as to meet requirements for clean potatoes as established by the North Central Potato Committee with the approval of the Secretary.

**§ 960.2 Administrative Committee—**

(a) *Establishment and membership.* (1) The North Central Potato Committee consisting of twenty members, of whom fifteen shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the respective State for which selected, or officers or employees of a corporate handler, and such person shall be residents of the State for which selected.

(b) *Term of office.* (1) The term of office of committee members and alternates shall be for two years beginning on the first day of July and continuing until the end of the succeeding fiscal year, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of members and alternates shall be so determined that one-half of the total committee membership shall terminate at the end of each fiscal year.

(2) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select one producer member of the committee from each district in the States of Michigan, Wisconsin, and Minnesota, and from North Dakota District No. 2; two producer members from North Dakota District No. 1; three producer members from the State of Iowa at large; and one handler member from each State within the production area. An alternate shall be selected for each member and such alternate shall have the same qualifications as the member. Producer members and alternates shall represent the respective district from which they are selected.

(d) *Districts—(1) Establishment.* For the purpose of determining the basis of selecting committee members, the following districts of the production area are hereby initially established:

*North Dakota District No. 1.* The counties of Rolette, Pierce, Wells, Kidder, Logan, McIntosh, and all counties lying east thereof in North Dakota;

*North Dakota District No. 2.* The remaining counties in North Dakota not included in North Dakota District No. 1;

*Minnesota District No. 1.* The counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, and Wilkin;

*Minnesota District No. 2.* The counties of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, and all counties lying south thereof in Minnesota;

*Minnesota District No. 3.* The remaining counties in Minnesota not included in Minnesota District No. 1 and Minnesota District No. 2;

*Wisconsin District No. 1.* The counties of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, Bayfield and all counties lying west thereof in Wisconsin;

*Wisconsin District No. 2.* The counties of Clark, Marathon, Shawano, Oconto, and all counties lying north thereof in Wisconsin;

*Wisconsin District No. 3.* The remaining counties in Wisconsin not included in Wisconsin District No. 1, and Wisconsin District No. 2;

*Michigan District No. 1.* All the counties in the Upper Peninsula of Michigan;

*Michigan District No. 2.* The counties of Oceano, Newaygo, Mecosta, Isabella, Midland, Bay, and all counties lying north thereof in Michigan, but not including the Upper Peninsula;

*Michigan District No. 3.* The remaining counties in Michigan not included in Michigan District No. 1, and Michigan District No. 2; and

*Iowa District.* The State of Iowa.

(2) *Reestablishment.* The Secretary, upon recommendation of a State committee, may reestablish districts within such State and may reapportion committee membership among the various districts; *Provided,* That in recommending any such changes in districts or representation, such committee shall give consideration to: (i) the relative importance of new production; (ii) changes in the relative position, with respect to production, of existing districts; (iii) the geographic location of production as it would affect the efficiency of administering this program; and (iv) other relevant factors.

(e) *Nomination.* The Secretary may select the members of the North Central Potato Committee, with their respective alternates, from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The North Central Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in § 960.2 (d) and a meeting or meetings of handlers in each State;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided,* That in the event a person is engaged in producing potatoes in more than one district such person shall elect the district within which he may participate as aforesaid in designating nominees; *Provided further,* That an eligible voter's privileges of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified in paragraph (e) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in paragraph (e) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall

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act for him until a successor of such member is selected and has qualified.

(j) *Procedure.* (1) A majority of the members of the committee shall be necessary to constitute a quorum and a majority of concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(k) *Expenses and compensation.* Committee members of their respective alternates when acting as members, shall serve without compensation but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) At the beginning of each fiscal year, to meet and organize, select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee

may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 960.3 *State Committees.* The producer members and the handler member representing Michigan on the North Central Potato Committee shall constitute the State Committee for Michigan. Likewise the producer members and the handler member representing each of the other States on the North Central Potato Committee shall for the respective State which they represent constitute the State Committee for such State. Each State Committee may, upon the selection and qualification of a majority of its members, organize and commence to function; and a majority of all members of the respective State Committee shall be necessary to constitute a quorum of the respective committee. Each State Committee shall select a chairman and a secretary. The alternate for each member of a State Committee shall be the person who serves as alternate for such member on the North Central Potato Committee. The alternate for a member of a State Committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member. Each State Committee shall function in accordance with the provisions hereof, and each committee shall submit to the North Central Potato Committee such reports and recommendations as the State Committee deems to be proper pursuant to the provisions hereof, with respect to the administration of the provisions hereof, in the respective State for which such committee is organized.

§ 960.4 *Expenses and assessments—(a) Budget.* (1) The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

(2) The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions hereunder and for such other purposes as may be appropriate pursuant to the provisions hereof.

(3) The funds to cover such expenses shall be acquired by levying on handlers

of assessments which shall be at a rate recommended by the committee and fixed by the Secretary. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

(4) Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

(b) *Accounting.* (1) If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(c) *Funds.* (1) All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(i) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(ii) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

(2) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 960.5 *Regulation—(a) Marketing policy.* The State Committee for each of the States included in the production area and the North Central Potato Committee, severally, shall prior to making any recommendation pursuant to this section, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the respective committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event

that it is deemed advisable by the respective committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the respective committee for inspection by any producer or handler. In determining each such marketing policy the respective committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States:

(1) Market prices of potatoes, including prices by grades, size, and quality in different packs, or any other shipping unit;

(2) Supply of potatoes, by grade, size, quality, in the production area, and in other production areas;

(3) Trend and level of consumer income; and

(4) Other relevant factors.

(b) *Committee recommendations.* (1) The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in paragraph (c) of this section, will tend to effectuate the declared policy of the act.

(2) The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in paragraph (c) (2) of this section.

(c) *Issuance of regulations.* (1) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(i) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(ii) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for washed and unwashed potatoes, or any combination of the foregoing during any period; or

(iii) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) Upon the basis of the recommendation, and information submitted by the committee, the Secretary shall modify, suspend, or terminate regulations issued pursuant to § 960.4, § 960.6 subparagraph (1) of this paragraph, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(i) For grading or storage within the production area;

(ii) For seed;

(iii) For export;

(iv) For distribution by the Federal government;

(v) For manufacture or conversion into specified products;

(vi) For livestock feed; and

(vii) For other purposes which may be specified.

(3) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 960.4, 960.6, subparagraph (1) of this paragraph, or any combination thereof.

(4) The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section. The committee shall give reasonable notice thereof to handlers.

(d) *Safeguards.* (1) The committee, with the approval of the Secretary, may prescribe (i) adequate safeguards to prevent shipments pursuant to paragraph (c) (2) of this section from entering channels of trade for other than the specific purpose authorized therefor, and (ii) rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(2) Safeguards, as prescribed herein, may include requirements that:

(i) Handlers shall file applications with the committee to ship potatoes pursuant to paragraph (c) (2) of this section;

(ii) Handlers shall obtain inspection provided by § 960.6 or pay the pro rata share of expenses provided by § 960.4 or both, in connection with potato shipments effected under the provisions of paragraph (c) (2) of this section: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(iii) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of paragraph (c) (2) of this section.

(3) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in paragraph (c) (2) of this section were handled contrary to the provisions hereof.

(4) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(5) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

**§ 960.6 Inspection and certification.** During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 960.4 or 960.5, or both, no handler shall ship potatoes unless, prior thereto, each such shipment was inspected by an authorized representative of the Federal-State Inspection Service

or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificates: *Provided*, however, That each handler who first ships potatoes after such potatoes are regraded, resorted, repacked, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

**§ 960.7 Exemptions—(a) Rules.** The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

(b) *Committee determinations.* The committee, when making recommendations for regulations, shall:

(1) Determine the average proportion of production which can be shipped by all producers in the portion or portions of the production area and for specific portions of the season to be covered by proposed regulations;

(2) Determine the portion or portions of the production area constituting an immediate area or areas of production for prospective applicants;

(3) Determine methods for establishing appropriate and equitable bases for comparisons between any producer's crop, or specific portion thereof, and the average proportion of production which may be shipped by all producers within any such producer's immediate shipping area during the entire season, or any specific portion thereof; and

(4) Give reasonable notice to producers, handlers, and other interested parties with respect to such determinations.

(c) *Applications and issuance.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to such committee:

(1) That the grade, size, or quality of the applicant's potatoes, or specific portions thereof, have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(2) That by reason of a regulation issued pursuant to § 960.5 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area during comparable portions of the season;

(3) Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of sale.

(d) *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

(e) *Appeals.* If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfac-

## PROPOSED RULE MAKING

tory to such committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(f) *Records.* The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

§ 960.8 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 960.9 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 960.10 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 960.11 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(5) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.<sup>1</sup>

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 960.12 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder or (b) release or extinguish any violation hereof

or of any regulations issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 960.13 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 960.14 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 960.15 *Derogation.* Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 960.16 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 960.17 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 960.18 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 960.19 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

§ 960.20 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.<sup>1</sup>

§ 960.21 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each

<sup>1</sup> Applicable only to the proposed marketing agreement.

signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.<sup>1</sup>

The Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. has proposed the following amendments to the tentatively approved marketing agreement and to Order No. 60 so that respective sections or portions thereof shall read as follows:

1. Paragraph (d) of § 960.1 shall read as follows:

(d) "Production area" means all territory in the States of Michigan, Wisconsin, Minnesota, North Dakota, Iowa, and Indiana.

2. Paragraphs (a) and (c) of § 960.2 shall read as follows:

§ 960.2 *Administrative committee—(a) Establishment and membership.* (1) The North Central Potato Committee consisting of 24 members, of whom 18 shall be producers and 6 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

\* \* \* \* \* (c) The Secretary shall select one producer member of the committee from

each district in the States of Michigan, Wisconsin, Minnesota, and from District No. 2 in North Dakota; two producer members from District No. 1 in North Dakota; three producer members from the State of Iowa at large; three producer members from the State of Indiana at large; and one handler member from each State within the production area. An alternate shall be selected for each member and such alternate shall have the same qualifications as the member. Producer members and alternates shall represent the respective district from which they are selected.

3. Section 960.12 shall read as follows:

*§ 960.12 Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder or (2) release or extinguish any violation hereof or of any regulations issued hereunder, or (3) affect or impair any rights or remedies of the Secretary or of

any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date of the amendments herein set forth shall continue in office hereunder until the end of the then current fiscal year, and until their successors have been selected and have qualified; and any regulations issued pursuant to §§ 960.4, 960.5, 960.8, or this section, and all rules or regulations issued pursuant to Order No. 60, shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions hereof.

NOTE: All provisions of the proposed amendments shall be renumbered to comply with current publications requirements of the FEDERAL REGISTER (13 F. R. 5929).

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 31st day of March 1950.

[SEAL] ROY W. LENNARTSON,  
Acting Assistant Administrator.

[F. R. Doc. 50-2832; Filed, Apr. 3, 1950;  
8:47 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Misc. 55839]

#### WYOMING

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 29, 1950.

Pursuant to the provisions of the Carey Act of August 18, 1894 (28 Stat. 422; 43 U. S. C. 641), the State of Wyoming found that the hereinafter-described land is unsuitable for irrigation and reclamation, and accordingly relinquished such land to the United States:

#### SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 70 W.,  
Sec. 15 SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

The lands are suitable for disposal at public sale.

No applications for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to

application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affecting by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public gener-

ally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained

<sup>1</sup> Applicable only to the proposed marketing agreement.

## NOTICES

In Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

**ROSCOE E. BELL,**  
*Associate Director.*

[F. R. Doc. 50-2759; Filed, Apr. 3, 1950;  
8:47 a. m.]

**Geological Survey**

EAGLE RIVER, ALASKA

## POWER SITE CLASSIFICATION 399

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

## SEWARD MERIDIAN, ALASKA

T. 13 N., R. 1 E. (unsurveyed): All unsurveyed land adjacent to Eagle River and tributaries at an altitude of less than 500 feet above sea level and not reserved by Power Site Classification No. 107, as shown by river survey maps of Eagle River. Protraction of public land surveys indicates that these lands when surveyed will be in sections 4, 5, 6, 8, 9, 10, 15, 16, 21, 22, 23, 26, and 27.

T. 14 N., R. 1 E. (unsurveyed): All unsurveyed land adjacent to Eagle River and tributaries at an altitude of less than 500 feet above sea level and not reserved by Power Site Classification No. 107, as shown by river survey maps of Eagle River. Protraction of public land surveys indicates that these lands when surveyed will be in sections 30, 31, and 32.

T. 14 N., R. 1 W., (unsurveyed): All unsurveyed land adjacent to Eagle River and tributaries at an altitude of less than 500 feet above sea level and not reserved by Power Site Classification No. 107, as shown by river survey maps of Eagle River. Protraction of public land surveys indicates that these lands when surveyed will be in sections 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 35, and 36.

T. 14 N., R. 2 W.,  
Sec. 10, SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and S $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
Sec. 17, SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 24 (unsurveyed).

All unsurveyed land adjacent to Eagle River and tributaries at an altitude of less than 500 feet above sea level and not reserved by Power Site Classification No. 107, as shown by river survey maps of Eagle River.

The area described aggregates approximately 7,520 acres.

**THOMAS B. NOLAN,**  
*Acting Director.*

MARCH 29, 1950.

[F. R. Doc. 50-2758; Filed, Apr. 3, 1950;  
8:47 a. m.]

## YUKON, NENANA, COPPER AND RESURRECTION RIVERS; TUKSUK CHANNEL AND SALMON LAKE, ALASKA

## POWER SITE CLASSIFICATION 403

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

## YUKON RIVER (RAMPART)

All lands within  $\frac{1}{4}$  mile of Yukon River for a distance of 2 miles upstream and 2 miles downstream from a point at latitude 65°20' N., longitude 151°3'15" W. as shown on U. S. G. S. Reconnaissance Map of part of Rampart Quadrangle, Alaska, Plate 1, U. S. G. S. Bulletin 535.

## NENANA RIVER

All lands within  $\frac{1}{4}$  mile of Nenana River for a distance of  $\frac{1}{2}$  mile upstream and  $\frac{1}{2}$  mile downstream from a point at latitude 63°26'5" N., longitude 148°40' W.

## COPPER RIVER

All lands within  $\frac{1}{4}$  mile of Copper River for a distance of  $\frac{1}{2}$  mile upstream and  $\frac{1}{2}$  mile downstream from a point in Wood Canyon at latitude 61°27' N., longitude 144°27' W.

## COPPER RIVER NO. 2

All lands within  $\frac{1}{4}$  mile of Copper River for a distance of  $\frac{1}{2}$  mile upstream and  $\frac{1}{2}$  mile downstream from a point at latitude 61°03'5" N., longitude 144°47' W.

## RESURRECTION RIVER

All land adjacent to Resurrection River and tributaries below an elevation of 500 feet as shown on Cooper Lake and Lowell Glacier topographic maps upstream from a point on Resurrection River one mile below the mouth of Paradise Creek.

## TUKSUK CHANNEL

All lands within  $\frac{1}{4}$  mile of Tuksuk Channel for a distance of  $\frac{1}{2}$  mile upstream and  $\frac{1}{2}$  mile downstream from a point at latitude 65°10' N., longitude 165°56' W.

## SALMON LAKE

All lands within 1 mile of Krusgamepa River from the confluence of Crater Creek upstream to Salmon Lake.

All lands within 1 mile of the shore of Salmon Lake, east of longitude 165° W.

All lands adjacent to Salmon Lake and Grand Central River, west of longitude 165° W., and below an elevation of 500 feet above sea level as shown on the Grand Central Special topographic map.

The lands described aggregate about 18,470 acres.

**THOMAS B. NOLAN,**  
*Acting Director.*

MARCH 29, 1950.

[F. R. Doc. 50-2756; Filed, Apr. 3, 1950;  
8:47 a. m.]

## LAKE CREEK, CHEWACK CREEK, AND SIMILKAMEEN RIVER

## POWER SITE CLASSIFICATION 407

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

## WILLAMETTE MERIDIAN, WASHINGTON

T. 34 N., R. 21 E.,  
Sec. 1, NE $\frac{1}{4}$  SE $\frac{1}{4}$ .  
T. 35 N., R. 21 E.,  
Sec. 2, SW $\frac{1}{4}$  NE $\frac{1}{4}$ .  
T. 36 N., R. 21 E.,  
Sec. 35, lots 5, 6, 8, and 9, NE $\frac{1}{4}$  SW $\frac{1}{4}$ .  
T. 35 N., R. 22 E.,  
Sec. 31, lot 3.  
T. 38 N., R. 22 E., (unsurveyed).

All unsurveyed lands at an altitude of less than 3,400 feet above sea level as shown by river surveys of Chewack Creek. Protraction of public land surveys indicates that the above described lands when surveyed will be in sections 1, 11, 12, 14, and 15.

T. 38 N., R. 25 E.,  
Sec. 1, lot 9;  
Sec. 2, lot 7;  
Sec. 12, lot 1, SW $\frac{1}{4}$  NE $\frac{1}{4}$ .  
T. 39 N., R. 25 E.,  
Sec. 13, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and W $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ :  
Sec. 24, lots 3 and 4;  
Sec. 25, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{4}$  SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  SW $\frac{1}{4}$ :  
Sec. 36, lot 3.

T. 40 N., R. 25 E.,  
Sec. 4, lots 2, and 6;  
Sec. 9, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and NW $\frac{1}{4}$  SE $\frac{1}{4}$ :  
Sec. 12, W $\frac{1}{2}$  SW $\frac{1}{4}$ :  
Sec. 13, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and SE $\frac{1}{4}$  SW $\frac{1}{4}$ :  
Sec. 14, SE $\frac{1}{4}$  SE $\frac{1}{4}$ :  
Sec. 16, lots 1, 4, 5, and 8;  
Sec. 21, SW $\frac{1}{4}$  SW $\frac{1}{4}$ :  
Sec. 22, lots 2, 5, and 11, NW $\frac{1}{4}$  NW $\frac{1}{4}$ :  
Sec. 23, lots 1, 3, 8, 9, 12, 13, 20, 22, 23, 24, and 25, E $\frac{1}{2}$  SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  SE $\frac{1}{4}$ :  
Sec. 24, lot 2;  
Sec. 26, lots 1, 5, 8, 9, and 10, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and SE $\frac{1}{4}$  SE $\frac{1}{4}$ :  
Sec. 27, SW $\frac{1}{4}$  SW $\frac{1}{4}$ :  
Sec. 28, lot 5;  
Sec. 34, W $\frac{1}{2}$  SE $\frac{1}{4}$ .

T. 39 N., R. 26 E.,  
See. 7, lot 5;  
Sec. 18, lots 2, and 4;  
Sec. 19, lot 1.

The area described aggregates about 3,571 acres.

**THOMAS B. NOLAN,**  
*Acting Director.*

MARCH 29, 1950.

[F. R. Doc. 50-2757; Filed, Apr. 3, 1950;  
8:47 a. m.]

## Office of the Secretary

[Order 2558]

## SOUTHEASTERN POWER ADMINISTRATION

## CREATION

**SECTION 1. Establishment.** The Southeastern Power Administration is established as an agency of the Department of the Interior. The Administration shall carry out the functions assigned to the Secretary of the Interior by section 5 of the Flood Control Act of December 22, 1944 (16 U. S. C. 825s), with respect to the transmission and disposition of electric power and energy generated at reservoir projects which are or may be under the control of the Department of the Army in the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee and Kentucky.

**SEC. 2. Administrator.** (a) The Administration shall be in charge of an Administrator appointed by the Secretary.

(b) The Administrator may exercise the authority of the Secretary with respect to the activities of the Administration, subject to the provisions of this order and to the provisions of other orders which are specifically applicable to the Administration or generally applicable to agencies of the Department.

(c) The Administrator may, without Secretarial approval, consummate contracts for the sale, interchange, or other disposition of power and energy, if such contracts are composed entirely of standard provisions which have previously been approved by the Secretary. If such a contract is not composed entirely of standard provisions, the Administrator may only execute the contract subject to Secretarial approval.

(d) The Administrator shall exercise such authority with respect to personnel matters as the Secretary may prescribe.

**Sec. 3. Accounts.** The Administrator shall maintain a system of accounting in accordance with the uniform system of accounting prescribed for public utilities by the Federal Power Commission.

**Sec. 4. Reports.** The Administrator shall submit monthly reports and an annual report through the Division of Power to the Secretary. The Administrator shall file with the Federal Power Commission such data and reports as public utilities subject to the Commission's jurisdiction are required to file.

(5 U. S. C. 22)

OSCAR L. CHAPMAN,  
Secretary of the Interior.

MARCH 21, 1950.

[F. R. Doc. 50-2767; Filed, Apr. 3, 1950;  
8:48 a. m.]

[Order 2557]

## SOUTHEASTERN POWER ADMINISTRATION

## ORGANIZATION

**SECTION 1. Purpose.** The Southeastern Power Administration markets electric power generated at Corps of Engineers reservoir projects located in the

States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee and Kentucky.

**SEC. 2. General organization.** The Southeastern Power Administration consists of a headquarters office at Elberton, Georgia, which is made up of the Administrator and staff and several technical divisions. It has no field offices at the present time.

**SEC. 3. Headquarters organization—**  
(a) *Office of the Administrator.* The Office of the Administrator, which includes the Assistant to the Administrator, coordinates and directs the activities of the Southeastern Power Administration.

(b) *Office of the Chief Counsel.* The Chief Counsel performs all legal services for the Administration and advises the Administration and his staff on legal aspects of policies and programs.

(c) *Division of Administration.* The Division of Administration formulates, develops and executes policies and activities relating to administrative services.

(1) The Branch of Budget and Finance coordinates the preparation of the Administration's budget estimates; controls the budget; conducts studies of the organization and basic procedures; and establishes and maintains accounts and accounting records.

(2) The Branch of Personnel plans and conducts the Administration's personnel program.

(3) The Branch of Procurement and Administrative Services procures all materials, equipment, supplies and services; performs property management work; acquires land and interests therein; and furnishes office services.

(d) *The Division of Power Management.* The Division of Power Management formulates, develops, and executes policies and activities relating to the marketing and sale of power and wholesale power rates and repayment schedules.

(1) The Branch of Sales and Contracts determines the extent and location of future power loads and requirements within the region; develops basic wholesale power marketing; exchange and transfer contract provisions; conducts negotiations for the sale, exchange, and transfer of power; secures the preparation, approval and execution of such contracts; administers provisions of executed contracts, including consultation and negotiation with customers concerning service under such contracts.

(2) The Branch of Rates and Statistics makes analyses and recommendations relative to the allocation of cost of reservoir projects generating power marketed by the Administration; prepares repayment schedules for such projects; develops wholesale power rate structures for power marketed by the Administration; reviews the resale rates for customers of the Administration and the financial and operating status under these rates; maintains power statistics.

(e) *Division of Engineering.* The Division of Engineering formulates, develops and executes policies and activities relating to the power resources which are or may become available to the Administration and to the engineering,

design, and construction of the Administration's power facilities.

(1) The Branch of Power Resources studies power production for the Administration's system to determine the amounts of available power and energy; studies methods of coordinating operation of present and proposed generating plants to obtain maximum utilization of water and power resources; develops related reservoir rule curves; prepares reports of generation facilities, resources and loads; reviews project reports submitted to the Administration.

(2) The Branch of System Planning and Engineering conducts system engineering and cost studies and prepares engineering recommendations for system additions, customers' facilities, system interconnections, and the long-range construction program; recommends short-range construction program and prepares justification therefor; makes engineering studies, tests and experiments in regard to the power, relay, protection, and communication systems and equipment, and prepares recommendations therefrom to develop improvements in the functioning of the Administration's system.

(3) The Branch of Design and Construction designs transmission lines and substations and related power system facilities; establishes, coordinates, and supervises construction schedules; prepares specifications relating to engineering materials and equipment and contract construction work; supervises, inspects, and expedites performance of contractors in the manufacture and delivery of materials and equipment and of construction work in the field; exercises custody of the engineering materials in the field and during process of construction; provides design, drafting and architectural services.

(f) *The Division of Operations.* The Division of Operations formulates, develops and executes policies and activities relating to the operation and maintenance of the Administration's power facilities.

(1) The Branch of Operations operates all power facilities of the Administration; dispatches and schedules all power supplied by and to the Administration; schedules storage and release of water controlled by the Administration; administers contractual operation requirements; maintains power system operating records, coordinates the operation of the Administration's system with other interconnected systems; operates and maintains metering, relaying, communication, and laboratory facilities, and performs related activities.

(2) The Branch of Maintenance patrols and maintains all transmission lines, substations, and associated power facilities; controls, maintains, and assigns tools, vehicles, and work equipment; operates and maintains the Administration's garage and shop facilities.

**SEC. 4. Effective date.** This order shall take effect immediately upon signature.

OSCAR L. CHAPMAN,  
Secretary of the Interior.

MARCH 21, 1950.

[F. R. Doc. 50-2768; Filed, Apr. 3, 1950;  
8:48 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6191]

LUZ Y FUERZA DE REYNOSA, S. A. AND  
CENTRAL POWER AND LIGHT CO.NOTICE OF APPLICATION FOR AMENDMENT OF  
AUTHORIZATION TO EXPORT ELECTRIC  
ENERGY

MARCH 29, 1950.

Notice is hereby given that Luz y Fuerza de Reynosa, S. A. of Reynosa, Mexico, and Central Power and Light Company of Corpus Christi, Texas, have filed joint application pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for amendment of the authorization previously granted by the Commission under said act, so as to permit an increase in the transmission of electric energy across the international boundary, United States and Mexico, from a point near Hidalgo, Texas, to a point near Reynosa, Mexico, in quantities up to an amount of 15,000,000 kilowatt-hours per year at a rate of supply not to exceed 3,500 kilowatts. The present transmission is limited to 6,000,000 kilowatt-hours per year at a rate not in excess of 1,500 kilowatts.

Any person desiring to be heard or to make any protest with reference to the said application should on or before April 17, 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,  
*Secretary.*[F. R. Doc. 50-2760; Filed Apr. 8, 1950;  
8:47 a. m.]

[Docket No. G-1345]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 29, 1950.

Take notice that El Paso Natural Company (Applicant), a Delaware corporation, address, El Paso, Texas, filed on March 22, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas pipeline facilities, the sale and transfer of certain natural gas pipeline facilities, and the acquisition and operation of certain other natural gas pipeline facilities, as well as permission and approval for the abandonment of certain natural gas pipeline facilities, all as more fully described hereinafter.

Applicant proposes to increase its capacity to serve the City of Phoenix, Arizona, with an additional amount of natural gas of approximately 35,000,000 cubic feet per day primarily from residue or flare gas for which Applicant has contracts with producers in the Permian Basin. Such gas is proposed to be furnished the Central Arizona Light and Power Company which will utilize it to meet domestic and commercial requirements as well as to supply 18,000 Mcf per

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day for a 60,000 kilowatt steam generating unit now under construction.

In order to increase its capacity sufficiently to enable it to render the service proposed, Applicant states that it is necessary to construct and operate approximately 17.1 miles of 10½-inch transmission pipeline, 5.47 miles of 16-inch transmission line, 11.64 miles of 4½-inch transmission line, and the following metering and regulating stations and facilities:

- (1) Avondale City Gas Station.
- (2) Guadalupe City Gate Station.
- (3) South Seventh City Gate Station.
- (4) Lateral Sixteen City Gate Station.
- (5) Chandler City Gate #2 Station.
- (6) Addition to Central Arizona Light and Power Company's Power Plant meter and regulating station, all serving Central Arizona Light and Power Company, and
- (7) City of Mesa City Gate #2 Station, serving the City of Mesa, Arizona.

In addition, Applicant states that it proposes to construct approximately 4.86 miles of 16-inch and 5.419 miles of 12½ inch transmission pipe line which will be transferred to and operated by Central Arizona Light and Power Company, and Applicant further proposes to transfer to Central Arizona Light and Power Company existing facilities consisting of approximately 11.006 miles of 10½ inch, 2.783 miles of 8½ inch, 5.430 miles of 6½ inch and 5.411 miles of 5½ inch pipe line which facilities are located in a residential section in Phoenix and should be operated as part of the distribution system in that city.

Applicant proposes to acquire from Central Arizona Light and Power Company approximately 11.95 miles of 10½ inch transmission pipeline which is better fitted to serve as a part of Applicant's transmission line than as a part of the distribution system.

In connection with its proposed plan of construction and acquisition, Applicant seeks permission and approval to abandon its existing Phoenix City Gate Stations #1, #2, #3, #4, and South Phoenix City Gate Station as no longer necessary in the economical operation of its line in the City of Phoenix, Arizona.

The total overall cost of the construction and acquisition of the facilities as proposed by Applicant is \$1,105,089.19. The estimated depreciated value of the existing facilities proposed to be transferred by Applicant is \$137,682, and the estimated depreciated value of the facilities proposed to be abandoned by Applicant is \$16,509. Applicant proposes to pay for the costs of construction and acquisition out of company funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of April 1950. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
*Secretary.*[F. R. Doc. 50-2761; Filed, Apr. 8, 1950;  
8:48 a. m.]INTERSTATE COMMERCE  
COMMISSION

[4th Sec. Application 24988]

SULPHURIC ACID FROM ARKANSAS TO  
FISHER, MISS.

APPLICATION FOR RELIEF

MARCH 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3638.

Commodities involved: Sulphuric acid, carloads.

From: Points in Arkansas.

To: Fisher, Miss.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3638, Supplement 229.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
*Secretary.*[F. R. Doc. 50-2773; Filed, Apr. 3, 1950;  
8:49 a. m.]

[4th Sec. Application 24989]

RUBBER FROM CONNEAUT, OHIO, TO EAST  
APPLICATION FOR RELIEF

MARCH 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Rubber, sponge or foam, carloads.

From: Conneaut, Ohio.

To: Richmond, Va., Quakertown, Pa., Harlem River and New York, N. Y.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-

vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-2774; Filed, Apr. 3, 1950;  
8:49 a. m.]

[4th Sec. Application 24990]

ARTIFICIAL RUBBER FROM BATON ROUGE,  
LA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, car-loads.

From: Baton Rouge and North Baton Rouge, La.

To: Chicago, Ill.

Grounds for relief: Circuitous routes. Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-2775; Filed, Apr. 3, 1950;  
8:49 a. m.]

[4th Sec. Application 24991]

ALCOHOL FROM SOUTHWEST TO WEST

APPLICATION FOR RELIEF

MARCH 30, 1950.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Denatured alcohol and related articles, carloads.

From: Points in Texas and Oklahoma.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supplement 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-2776; Filed, Apr. 3, 1950;  
8:49 a. m.]

[4th Sec. Application 24992]

FERTILIZER MATERIAL FROM LAKE CHARLES,  
LA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3595.

Commodities involved: Fertilizer material, viz: ammoniacal liquor or ammoniacal gas liquor, carloads.

From: Lake Charles and West Lake Charles, La.

To: Chicago, Ill.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3595, Supplement 291.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-2777; Filed, Apr. 3, 1950;  
8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2295, 70-2331]

GENERAL PUBLIC UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of March 1950.

In the matters of General Public Utilities Corporation, Metropolitan Edison Company, New Jersey Power & Light Company, File No. 70-2295; Consolidated Edison Company of New York, Inc., File No. 70-2331.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder regarding the sale by it of 325,000 shares of common stock of Staten Island Edison Corporation for a base purchase price of \$10,720,000, subject to certain adjustments; and Consolidated Edison Company of New York, Inc. ("Con Ed"), having filed an application and amendments thereto pursuant to sections 9 (a) (2) and 10 of the act with respect to the acquisition of the Staten Island common stock, and said declaration and application having been consolidated for hearing; and

The Commission by order dated February 8, 1950, entered in this proceeding having permitted to become effective a declaration filed by GPU with respect to a capital contribution to its subsidiary Metropolitan Edison Company ("Meted") of \$4,000,000 by GPU out of the proceeds of the sale of the common stock of Staten Island or out of other funds of GPU available for such purposes, or both; and

GPU having requested that the Commission find that the carrying out of the proposed sale by GPU, for cash, to Con Ed of its investment of 325,000 shares of common stock of Staten Island is necessary and appropriate to effectuate the provisions of section 11 (b) of the act; and

GPU having requested that the order of the Commission, dated February 8, 1950, be amended so as to provide that the utilization by GPU of not in excess of \$4,000,000 of the proceeds of said sale of the common stock of Staten Island as a cash capital contribution to Meted and the crediting by Meted of such capital contribution to the stated value of its

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outstanding common stock are necessary and appropriate to effectuate the provisions of section 11 (b) of the act; and

GPU having requested that the Order of the Commission entered herein contain appropriate recitals conforming to sections 371 to 373, inclusive, and 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice and the Commission having examined the record and finding with respect to the application by Con Ed and the declaration by GPU, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted, and the said declaration be permitted to become effective, and to issue its order in advance of the issuance and release of its findings and opinion which are now in the process of completion:

*It is ordered,* Pursuant to the applicable provisions of said act, that the application, as amended, by Con Ed, and the declaration as amended, by GPU be, and they hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

*It is further ordered and recited,* That the sale, transfer and delivery by GPU to Con Ed of 325,000 shares of common stock of Staten Island, having a par value of \$20 per share for a base price of \$10,720,000, subject to certain adjustments as provided in the contract of sale, is necessary or appropriate to the integration or simplification of the GPU system, of which GPU and Staten Island are a part, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

*It is further ordered,* That the order dated February 8, 1950, insofar as it relates to a capital contribution by GPU to Meted of \$4,000,000, be and the same is hereby amended so as to add thereto the following:

*It is further ordered and recited,* That the expenditure or investment by GPU out of the net proceeds from the sale of the common stock of Staten Island to Con Ed, of not in excess of \$4,000,000 as a part of said capital contribution to Meted in the amount of \$4,000,000 and the crediting by Meted of such \$4,000,000 capital contribution to the stated value of its outstanding common stock are necessary or appropriate to the integration or simplification of the GPU system, of which GPU and Meted are a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

*It is further ordered,* That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses to be

incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 50-2765; Filed, Apr. 8, 1950;  
8:48 a. m.]

[File No. 70-2332]

MONONGAHELA POWER CO. AND WEST PENN  
ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PER-  
MITTING APPLICATION - DECLARATION TO  
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1950

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, Monongahela Power Company ("Monongahela"), an exempt holding company and an operating public utility company, having filed a joint application-declaration under the Public Utility Holding Company Act of 1935 concerned principally with the issuance and sale by Monongahela of 60,000 shares of . . . Series C, Cumulative Preferred Stock, par value \$100 per share, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, and also embracing the issuance and sale by Monongahela to West Penn Electric of 230,770 shares of common stock of Monongahela for an aggregate price of \$1,500,005;

The Commission by order dated March 21, 1950 having granted and permitted effectiveness to the joint application-declaration subject, among other requirements, to the condition that the proposed issuance and sale of the Cumulative Preferred Stock should not be consummated until the results of competitive bidding with respect to said stock have been made a matter of record in this proceeding and a further order entered by the Commission on the basis of the record as so completed:

West Penn Electric and Monongahela have now filed an amendment to the joint application-declaration stating that pursuant to the competitive bidding requirements of Rule U-50 the following bids were received for the preferred stock:

Bidder	Dividend rate	Price per share	Annual cost of money to the company
Kidder, Peabody & Co.	4.50	100.991	4.49911
Kuhn, Loeb & Co.	4.50	100.68	4.49960
Lehman Bros.	4.50	100.507	4.47730
W. C. Langley & Co.	4.50	100.1196	4.49461
Harriman Ripley & Co., Inc.	4.55	100.60	4.52286

It appearing that Monongahela has accepted the bid of Kidder, Peabody & Co., and that the preferred stock is to be resold to the public at 102.5 plus accrued dividends from April 1, 1950, represent-

ing a spread to the underwriters on the preferred stock of 1.809;

The record also having been completed with respect to fees and expenses to be paid by Monongahela and West Penn Electric and the fees and expenses to be borne by the successful bidders, among these fees to be borne by Monongahela are fees payable to Sullivan & Cromwell, New York, New York, \$6,100 and to Steptoe & Johnson, Clarksburg, Virginia, \$350; of these total fees of \$6,450 to be borne by Monongahela, \$6,350 being applicable to the preferred stock being issued by Monongahela; fees to be borne by West Penn Electric payable to Sullivan & Cromwell, \$150; and fees to counsel for the successful bidders, Cahill, Gordon, Zachry & Reindel, New York, New York, \$3,750;

*It is ordered,* That said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the reservation of jurisdiction with respect to the payment of fees and expenses applicable to these transactions and heretofore reserved by the Commission be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 50-2765; Filed, Apr. 8, 1950;  
8:48 a. m.]

[File No. 70-2339]

REPUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1950.

Notice is hereby given that a declaration and amendments thereto have been filed with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 by Republic Service Corporation ("Republic"), a registered holding company, regarding the renewal and extension by Republic of a promissory note in the amount of \$150,000 due April 1, 1950.

Notice is further given that any interested person may, not later than April 7, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by such declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after April 7, 1950, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to such declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Republic had outstanding as of December 31, 1949, \$425,000 principal amount of Secured Notes due October 1, 1953, and an unsecured note due on April 1, 1950, in the principal amount of \$150,000, bearing 4% interest, held by Provident Trust Company of Philadelphia. Republic proposes to renew and extend said \$150,000 unsecured note for a period of 90 days, at a new interest rate of 3% per annum.

The declarant states that it desires to effect the proposed note extension pending the completion of plans for a merger of certain of its wholly owned operating utility subsidiaries whereby the surviving company will undertake the sale of senior securities and use the proceeds, in part, to repay its indebtedness to Republic, thus providing Republic with funds to pay and discharge its entire note indebtedness, both secured and unsecured.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 50-2784; Filed, Apr. 3, 1950;  
8:48 a. m.]

[File No. 70-2352]

#### DELAWARE POWER AND LIGHT CO.

##### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of March A. D. 1950.

Delaware Power and Light Company ("Delaware"), a registered holding company and a public utility company, having filed an application-declaration, pursuant to sections 6 (a), 7, 9, and 10 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the general rules and regulations promulgated thereunder, with respect to the following transaction:

Delaware proposes to offer to its stockholders of record as of the close of business on April 5, 1950, the right to purchase 232,520 additional shares of its common stock, and subject to such right of the stockholders, the additional stock will also be offered to employees of the company and its subsidiaries in an amount not exceeding 150 shares per employee. The stockholders' rights to purchase the additional common stock will be evidenced by transferable warrants and will be on the basis of one share of such additional common stock for each six shares of Delaware's common stock owned at the record date. The employees' rights to purchase the additional common stock will not be transferable.

Such shares as are not subscribed for by the stockholders and employees and such shares as are acquired in stabilizing the stock, as set forth below, are to be offered to underwriters who, pursuant to the competitive bidding requirements of Rule U-50, will be invited to submit bids on April 5, 1950, for the purchase of such common stock, such bids to include

the compensation to be paid them for purchasing such shares at the subscription price. The subscription price at which the stock is to be offered to the stockholders, employees and underwriters will be determined by Delaware, and the underwriters who have qualified to bid will be notified thereof at least 42 hours prior to the receipt of bids.

The application-declaration states that Delaware may purchase on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, the over-the-counter market, or otherwise, up to 23,252 shares of its common stock for the purpose of stabilizing the price of the stock during the period commencing March 31, 1950, and ending at the time of acceptance of a bid for the stock.

Applicants-declarants have requested that the competitive bidding period be shortened to 7 days so that bids may be received on April 5, 1950.

The proceeds of the sale of the stock will be utilized by Delaware in connection with its construction program.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of common stock shall not be consummated until the subscription price of such stock and the results of competitive bidding herein proposed, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

*It is further ordered*, That the 10-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than 7 days.

*It is further ordered*, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 50-2786; Filed, Apr. 3, 1950;  
8:48 a. m.]

#### DEPARTMENT OF JUSTICE

##### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. I, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14476]

##### SOPHIA LUTZ

In re: Real property, property insurance policies and claim owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophia Lutz, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophia Lutz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of the persons referred to in subparagraph 1 hereof, in and to the following insurance policies:

1. Fire Insurance Policy, Number 838842, in the sum of \$19,000.00, issued by Pennsylvania Fire Insurance Company, 508-510 Walnut Street, Philadelphia 10, Pennsylvania, which policy expires August 8, 1950 and insures the improvements on the real property described in subparagraph 2-a herein, and

11. Public Liability Policy Number COLT-1158, in the amount of \$100,000/200,000, for bodily injury and \$20,000 property damage, issued by the Indemnity Insurance Company of North America, Public Ledger Building, Philadelphia 6, Pennsylvania, which policy expires December 16, 1952, and insures the real property described in subparagraph 2-a herein, and

c. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophia Lutz, deceased, by the Land Title Bank and Trust Company, Broad and Chestnut Streets, Philadelphia 10, Pennsylvania, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a herein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, lega-

## NOTICES

tees and distributees, names unknown, of Sophia Lutz, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophia Lutz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

## EXHIBIT A

and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with

in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Josef von Dory-Jobahaza.....	Austria.....	Item 1 Estate of Anna von Dory-Jobahaza, Orphans' Court, Philadelphia County, Pa.	\$129.00

[F. R. Doc. 50-2740; Filed, Mar. 31, 1950; 8:52 a. m.]

## [Vesting Order CE 482]

## COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A MISSOURI COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the

amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Emily Kayser Spahn.....	Germany.....	Item 1 Mississippi Valley Trust Co., trustee u/w of Elise M. Lackland, deceased v. Grace National Bank of New York, et al. Circuit Court of the City of St. Louis, Mo. No. 15,848. Div. No. 3.	\$495.00
Mary Elizabeth Enneccerus.....	de.....	Item 2 Same.....	495.00

[F. R. Doc. 50-2741; Filed, Mar. 31, 1950; 8:53 a. m.]

## [Vesting Order CE 481]

## COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A PENNSYLVANIA COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto

[Vesting Order 14457]

## YUKIE SUZUKI AND SHIMPEI SUZUKI

In re: Rights of Yukie Suzuki and Shimpei Suzuki under insurance contract. File No. D-39-19149-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukie Suzuki and Shimpei Suzuki, Guardian of Yukie Suzuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 407,477, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Miss Yoshiko Suzuki, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 50-2737; Filed, Mar. 31, 1950;  
8:52 a. m.]

[Vesting Order 14462]

## ALFRED FRITSCH

In re: Personal property owned by Alfred Fritsch. F-28-25444-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Fritsch, whose last known address is Oberstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain jewels described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Topken & Farley, 250 Park Avenue, New York 17, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

## EXHIBIT A

Number:	Description
4 dozen....	Topaz scarabs 12/10 oval.
1 dozen....	Amethyst scarabs 12/10 oval.
4½ dozen....	Amazonite scarabs 12/10 oval.
3½ dozen....	Rosequartz scarabs 14/10 oval.
3 dozen....	Chalcedony scarabs 14/10 oval.
3½ dozen....	Black Onyx scarabs 16/12 oval.
3½ dozen....	Amazonite scarabs 16/12 oval.
1½ dozen....	Amethyst scarabs 18/13 oval.
3½ dozen....	Amazonite scarabs 18/13 oval.
¼ dozen....	Amethyste scarabs 20/15 oval.
¼ dozen....	Topaz scarabs 20/15 oval.
½ dozen....	Chalcedony scarabs 20/15 oval.
1 dozen....	4 mm. square amethyste stones faceted for crosses.
1 dozen....	5 mm. square amethyste stones faceted for crosses.
1½ dozen....	6 mm. square amethyste stones faceted for crosses.
3½ dozen....	Black onyx cameos 16/12 mm. cush., single head.

[F. R. Doc. 50-2782; Filed, Apr. 3, 1950;  
9:04 a. m.]

